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In re Application of  
CHUNG, Leland W.K., et al.  
Application No.: 10 070,350  
PCT Application No.: PCT/US00/14482  
International Filing Date: 25 May 2000  
Priority Date: 28 May 1999  
Attorney Docket No.: 9426-023-999  
For OSTEONECTIN BASED TOXIC GENE  
THERAPY FOR TREATMENT OF CALCIFIED  
TUMORS AND TISSUES

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicants' "Petition to Revive Abandoned National Stage Application Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 27 February 2002 is **GRANTED**.

### **BACKGROUND**

On 25 May 2000, applicants filed an international application, No. PCT/US00/14482, which claimed a priority date of 28 May 1999.

On 20 December 2000, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 28 November 2001.

On 27 February 2002, applicants filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, a petition to revive and the basic national fee.

### **DISCUSSION**

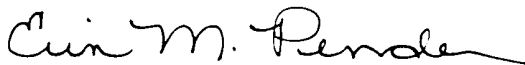
A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants' statement that "the entire delay in filing ... [the proper reply] from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicants have authorized the Office to charge the appropriate fees to Deposit Account No. 16-1150. A terminal disclaimer is not required as application was filed on 25 May 2000. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

### CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.



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